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SENATE BILL 158

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

William E. Sharer

AN ACT

RELATING TO FUNERALS AND MEMORIAL SERVICES; LIMITING
DEMONSTRATIONS; PROVIDING PENALTIES; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Demonstrations at Funerals and Memorial Services Act".

Section 2. DEFINITIONS.--As used in the Demonstrations at
Funerals and Memorial Services Act:

A. "funeral" means the ceremonies, rituals,
processions and memorial services held at a funeral site in
connection with the viewing, burial, cremation or memorial of
or wake for a deceased person;

B. "funeral site" means a church, synagogue,
mosque, funeral home, mortuary, cemetery, grave site, mausoleum
or other place at which a funeral is being conducted or is

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1 scheduled to be conducted within the next sixty minutes or has
2 been conducted within the last sixty minutes; and

3 C. "targeted residential picketing" includes the
4 following acts:

5 (1) marching, standing or patrolling by one or
6 more persons directed solely at a particular residential
7 building in a manner that adversely affects the safety,
8 security or privacy of an occupant of the building; or

9 (2) marching, standing or patrolling by one or
10 more persons that prevents an occupant of a residential
11 building from gaining access to or exiting from the property on
12 which the residential building is located.

13 Section 3. PROHIBITED ACTS.--A person shall not, with
14 knowledge of the existence of a funeral or funeral site:

15 A. engage in any loud singing, playing of music,
16 chanting, whistling, yelling or noisemaking with or without
17 noise amplification, including bullhorns, auto horns and
18 microphones within five hundred feet of any ingress or egress
19 of that funeral site, when the volume of such singing, music,
20 chanting, whistling, yelling or noisemaking is likely to be
21 audible at and disturbing to the peace or good order of a
22 funeral at that funeral site;

23 B. direct abusive epithets or make any threatening
24 gesture that the person knows or reasonably should know is
25 likely to provoke a violent reaction by another person;

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1 C. display within five hundred feet of any ingress
2 or egress of that funeral site any visual images that convey
3 fighting words or actual or veiled threats against another
4 person;

5 D. knowingly obstruct, hinder, impede or block
6 another person's access to or egress from that funeral site or
7 a facility containing that funeral site, except that the owner
8 or occupant of property may take lawful actions to exclude
9 others from that property;

10 E. knowingly obstruct, hinder, impede or block the
11 progress of a vehicle participating in a procession to or from
12 a funeral site; or

13 F. knowingly engage in targeted residential
14 picketing at the home or domicile of any surviving member of
15 the deceased person's family or household on the date of the
16 funeral.

17 Section 4. PENALTIES.--Any person who violates Section 3
18 of the Demonstrations at Funerals and Memorial Services Act is:

19 A. for the first offense, guilty of a petty
20 misdemeanor and shall be sentenced pursuant to the provisions
21 of Section 31-19-1 NMSA 1978;

22 B. for the second offense, guilty of a misdemeanor
23 and shall be sentenced pursuant to the provisions of Section
24 31-19-1 NMSA 1978; and

25 C. for the third and subsequent offenses, guilty of

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1 a fourth degree felony and shall be sentenced pursuant to the
2 provisions of Section 31-18-15 NMSA 1978.

3 Section 5. INJUNCTIVE RELIEF.--In addition to the
4 criminal penalties provided in Section 4 of the Demonstrations
5 at Funerals and Memorial Services Act, the court may enjoin
6 conduct prohibited in Section 3 of that act if there is
7 credible evidence that a person is likely to violate Section 3
8 of the Demonstrations at Funerals and Memorial Services Act.
9 Any surviving member of the deceased person's immediate family
10 who is threatened with loss or injury by reason of a violation
11 described in Section 3 of the Demonstrations at Funerals and
12 Memorial Services Act is entitled to sue for and have
13 injunctive relief in any court of competent jurisdiction
14 against any damage or threatened loss or injury by reason of a
15 violation thereof.

16 Section 6. SEVERABILITY.--If any part or application of
17 this act is held invalid, the remainder or its application to
18 other situations or persons shall not be affected.

19 Section 7. EMERGENCY.--It is necessary for the public
20 peace, health and safety that this act take effect immediately.